

Nathan F. Smith

SUPERIOR COURT OF WASHINGTON FOR King COUNTY

James B. Edmondson

Plaintiff,

v.

Caliber Home Loans et al  
Defendant.

No:

SUMMONS [ 20 DAYS ]

**TO THE DEFENDANT:** A lawsuit has been started against you in the above entitled court by James B. Edmondson, plaintiff. Plaintiff's claim is stated in the complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and by serving a copy upon the person signing this summons within 20 days after the service of this summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where plaintiff is entitled to what he asks for because you have not responded. If you serve a notice of appearance on the undersigned person, you are entitled to notice before a default judgment may be entered.

You may demand that the plaintiff file this lawsuit with the court. If you do so, the demand must be in writing and must be served upon the person signing this summons. Within 14 days after you serve the demand, the plaintiff must file this lawsuit with the court, or the service on you of this summons and complaint will be void.

If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time.

This summons is issued pursuant to rule 4 of the Superior Court Civil Rules of the State of Washington.

Signed by Plaintiff

Printed Name

Address

[Signature]  
JAMES B. EDMONDSON  
PO Box 2049  
Bothell, WA 98011

DATED May 6, 2019

Superior Court of Washington  
For King County

James B. Edwardson,  
Plaintiff,

v.

Caliber Home Loans, Nathan F. Smith,  
Mitzi Johanknecht, Hugo Esporza,  
Defendant(s),

) Case No.: \_\_\_\_\_

)

) CIVIL COMPLAINT FOR FRAUD, THEFT, FRAUDULENT  
) LENDING PRACTICES, FAILURE TO PROPERLY SERVE

) INJUNCTION

)

)

I. Introduction

1.1 This Action is brought against Defendant Caliber Home Loans, Defendant Smith for fraudulent lending practices, falsifying reports and documents, affidavits, and failure to give proper notice, and against Defendant Johanknecht and Esporza for participating in the false and misleading transactions and serving paperwork upon Defendant Caliber Home Loans behalf without giving the Plaintiff Proper Notice as set forth in the Cause of Action below.

II. Jurisdiction, Venue, Parties

2.1 Jurisdiction is proper pursuant to Article 4 Section 6 of the Washington State Constitution, and RCW 2.08, 4.08.

2.2 Venue is proper as the property sued over is located in King County.

2.3 Plaintiff Edwardson, is material at all times to this complaint and is incarcerated at the Airway Heights Corrections Center in Airway Heights, Washington.

2.4 Defendant Caliber Home Loans is a Corporations that provides home loans and its home base of operation is Oklahoma.

2.5 Defendant Smith, is an Attorney at Law registered with the Washington State Bar Association who participated in Fraudulent Service of Process, Failed to Properly serve the Plaintiff with documents.

3.6 Defendant Johanknecht, is the king County Sheriff.

2.7 Defendant Esporza is a Deputy King County Sheriff.

III. Factual Allegations-Cause of Action

3.1 Plaintiff James B. Edwardson has been incarcerated for over two years in the Washington State Department of Corrections.

3.2 The Plaintiff does own the property located at 43025 126th Ave. SE Enumclaw, Washington 98002, Situate in Tax Number/Parcel #182006-9030-05.

3.3 At no time has the Plaintiff signed a Contract or Mortgage Agreement with the Defendant Caliber Home Loans.

3.4 That the Defendant Caliber Home Loans is and always has been involved in

Fraudulent Lending Practices, and Improper Service of Foreclosure Paperwork.

3.5 That Defendant Nathan F. Smith is an agent or Representative of Wells Fargo Bank and Caliber Home Loans, who knows well Washington State Cause Authority and has fraudulently served the Foreclosure paperwork on Behalf of Caliber Home Loans, and Wells Fargo bank, in complete knowledge that the Plaintiff is incarcerated in the Washington State Department of Corrections, in violation of Clearly Established Case Authority that forbids Prisoners being Served by Publications.

3.7 Defendant Smith and Caliber Home Loan, conspired with Wells Fargo Bank to defraud the Plaintiff out of his Property through fraudulent services of Process, failing to properly serve a Civil Complaint, Summons, and Foreclosure paperwork upon him.

3.9 Defendant Johanknecht and Esporza were involved in the Fraudulent Activities whether knowingly, intentionally or by the directed of their agency, they failed to actually Serve the Plaintiff with any Paperwork or Notices, as he was and has been in Custody of the Washington State Department of corrections for Over Two Years under a judgment and sentence.

3.10 That Defendant Smith and Defendant Caliber Home Loans Conspired to get Defendant Johanknecht and Defendant Esporza to serve papers at the incorrect address for the Plaintiff even though, Wells Fargo Bank in King County Washington Had "Written Notice" of the Plaintiff's Current Address and has had it for over two years.

3.11 That Defendant Caliber Home Loans buys and sells mortgages and home loans from other Loan Companies and then Forecloses upon those Loans without (a) Proving Proper Notices of the Purchase of the Debt Note; (b) The Address to Send the Payment to; (c) Service upon the Home Owner when they are not at an address; then obtaining a Default Judgment in Violation of State and Federal Laws.

3.12 Defendant Smith is involved in the Fraudulent Activities and uses his Washington State Bar Association License to Conduct Illegal Business Practices for the Defendant Caliber Home Loans.

3.13 That the Defendant Caliber Home Loans and Defendant Smith did not properly give the Plaintiff who was confined at the Airway Heights Corrections Centers since August 10, 2016 or King County Jail.

3.14 The Defendant Caliber Home Loans or its associates have a history of conducting fraudulent Foreclosures and Serving Paperwork improperly upon individuals named as Defendant.

3.15 That Defendant Caliber Home Loans is in Violation of §17152-23 Home for Home Owners Program, 305 (A)(2) of the Federal Mortgage Corporation Act 12 U.S.C. 1454; 12 U.S.C. 1709 (b) and the Insurance of Mortgages as well as the Real Estate Act Settlement Procedures Act of 1974.

3.16 That the Defendant conducted an Improper Service of Process knowing or having knowledge that the Plaintiff was incarcerated and serving Summons by Publication without giving the Plaintiff Proper Notice of the Summons and Complaint.

3.17 Defendant Mitzi Johanknecht and Defendant Esporza had knowledge and knew or should have know that the Plaintiff was an inmate in the king County Jail or was sent to the Washington State Department of Corrections Serving a Criminal



Sentence.

3.18 That Defendant Johanknecht and Defendant Esporza have paperwork in the Possession and control of King County Sheriff's Department and King County Jail that Show that the Plaintiff was a resident of the Jail after August 10, 2016, and with this knowledge knew that Service of Process was improper and they Conspired with Defendant Caliber Home Loans, Defendant Smith and even Wells Fargo bank to Defraud the Plaintiff out of his Home and Sell it at Sheriff's Auction without Giving Him Proper Notice.

3.19 That Defendant Johanknecht and Esporza received copies of the Plaintiff's Motions: Motion to Dismiss Default, Motion to Restrain Sale, Motion for Extension of Time to File Statements of Fact etc...) after posting the "Notice of Sheriff's Sale" on the Plaintiff's Resident's Door on or about October 01, 2018.

3.20 Defendant Johanknecht and Defendant Esporza had a duty to Cease and Desist their Activities in proceeding with the Sheriff's Sale after Receiving the Plaintiff's Motions, but proceeded to sale his Property without his Consent in violations of State and Federal Laws.

3.21 That the Defendant Caliber Home Loans, Defendant Smith, Defendant Johanknecht, Defendant Esporza have not responded to the Plaintiff's Redemption Payment nor Dishonored his Negotiable Instrument as Set forth in the Uniform Commercial Codes and have accepted payments.

3.22 That Defendant Caliber Home Loans, Defendant Smith have not provided the Plaintiff with a Proper Notice of Dishonor as required by the Uniform Commercial Code and have thereby accepted of payment of \$1,250,000.00 One Million Two hundred and Fifty Thousand Dollars and a One Hundred (\$100.00) Money Order, that was sent by Certified Return Receipt Requested, and Signed for.


3.23 That Defendant Johanknecht and Esporza are in violation of their Oaths of office Contracts is they Proceed with the Sale or Transfer of Title to Plaintiff's Property as listed in this Civil Complaint, as the Plaintiff has Redeemed the Property, and Cease Further Actions With the Sale.

#### IV. Relief Sought

WHEREFORE, Plaintiff hereby Prays for the Following Relief:

- 4.1 Award Statutory Penalties According to Proof.
- 4.2 Award Statutory and Regular Attorney Fees according to proof.
- 4.3 Award Costs associated with Suit.
- 4.4 Award an Order to Cease and Desist all Sales Activities of the the Plaintiff's Property.
- 4.5 That the Defendant's appear and show cause why it failed to properly serve the Plaintiff while he is in prison.
- 4.6 Any Relief that the Court of Jury Deems Just and Proper.

SIGNED THIS CA day of May, 2019, at the Airway Heights Corrections Center, in Airway heights, Washington.

  
James B. Edwardson, Plaintiff